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THE CLAIM

OF

JAMES TONGUE, JOHN SCRIVENER, AND WILLIAM HODSON'S REPRESENTATIVES.

Since the report of the Hon. Mr. Wright in the Senate of the United States, in the case of 'Tongue, Scrivener and Hodson's Representatives, the claimants have got some information from the office of the Adjutant General in Maryland, and other information that they deem it their duty to present to the Senate, which they believe will materially remove the objections of the honourable Mr. Wright to these claims—with great respect they beg leave to make an additional statement of the facts they have been enabled to collect, and in order to make these claims fairly and distinctly understood, they will give as short a statement as possible.

Four private claims, viz: Matilda Drury, John Scrivener, Wm. Hodson's representatives, and James Tongue, were presented to Congress in 1836; each claimant made the statement of his claim according to his own views, agreeable to the information he had received how to proceed. One claim was given to the Hon. Mr. Howard, one to Mr. Jenifer, and two to Mr. McKim. In the House of Representatives some of these claims were laid on the table to give the claimants an opportunity to get additional testimony, which was done, and three were again presented. These claims being similar, except the claim of James Tongue for his house, having the advantage of being used as a depot for military stores of the United States.

To save time the committee of claims in the House of Representatives classed these three claims together, alledging that they all were similar in character, and supported by the same evidence, and that one report would embrace all the three cases—a favorable report was made, accompanied by a bill which was passed and sent to the Senate. These claims coming up in the Senate, two of them were, we believe, reported on favourably, namely, the claim of James Tongue and Wm. Hodson's representatives. The claim of John Scrivener, coming up for consideration, Mr. Hubbard, as we were informed, applied to the 3rd Auditor, Mr. Hagner, for some information on Scrivener's claims—Mr. Hagner not only reported against the claim of Scrivener, but also against the claim of Tongue and Hodson's representatives, and also against the claim of Mrs. Drury, a poor widow, who had then no claim pending before Congress. Mr. Hubbard seemed to yield his opinion to that of Mr. Hagner, and reported against all the claims.

It is doubtful whether these claims would ever have been again presented to Congress, had not a very unkind, and your claimants believe, a very unjust comparison been introduced to prejudice these claims.

These three claims were again presented to Congress last December; and the committee of claims in the House of Representatives made a favourable report accompanied by a bill which passed the H. Representatives, and is now before the Senate.

The committee of the House gave it as their opinion that these claims came under the laws of Congress passed for the payment of such claims.

The Hon. Mr. Wright of the Senate, seems to differ in his opinion about the construction of the law passed by Congress on this subject, and adopts Mr. Hagner's views.

The claimants are poor farmers, who dare not pretend to venture an opinion on the subject—but they honestly believe, that many claims, have heretofore been paid by Congress, standing on exactly similar grounds, and under circumstances less imposing, particularly the claim of Mr. Scrivener.* These three claims are of peculiar hardship—all we ask is the justice of Congress—that we have a right to expect.

It has pleased divine providence to place us in that part of our common country, that may truly be called a weak frontier—where the enemy was most powerful and we the most vulnerable. Under these circumstances, knowing our exposed situation, it became us as good citizens, to use our utmost efforts to stand by our country, our wives, our children, and our homes—we all did so freely and voluntarily, and opposed all the resistance in our power, by our example to others, and our own personal efforts to prevent the invasion of our soil, regardless of the pitiful remuneration for militia services, *at that time firmly believing in the justice, and rectitude of our national legislature, and in all time to come.* With what pleasure then, did we look on Congress and all persons in our national departments. The history of the occurrences of the events of the late war, and the sufferers by that war, have been

* This case is one of peculiar hardship, and I take the liberty to mention the circumstance without consulting Mr. Scrivener, who is a man of very respectable standing in society, remarkable for his piety and goodness—he has a wife and twelve children.—The fortification was made on his land, being a small embankment about three feet high. At the time the enemy made their attack on Town Point, Capt. Simmons, and Capt. Tillard with most of their officers and men were on duty in Baltimore, for the defence of that city. The command at Town Point devolved on Lt. Scrivener, who with the few men left of Capt. Simmons' and Capt. Tillard's company were stationed there. The British approached the fortification in their barges, in such an overwhelming force, that all the men but some 6 or 8 retreated. The battle commenced—the station was gallantly defended by Lt. Scrivener—his cannon was well plied—and when the match gave out, in his zeal to repel the enemy, he laid the pan of a musket on the touch hole of the cannon and fired her in that way—standing too near the gun carriage the recoil of the gun ran over his foot—they were compelled to retreat through an open field, nearly half a mile, all the while exposed to the fire of a fleet of barges. All the men could run but poor Scrivener, who hobbled away as well as he could with his lacerated foot, the blood running over the top of his shoe almost at every step.

for years, and are now passing under the immediate eyes of almost every body ; and certainly by all, along the whole national frontier and the Chesapeake Bay and its numerous tributary rivers—and as far as they have yet progressed, they present a most humiliating and melancholy spectacle. I am sorry to say I have heard many complain bitterly of the ingratitude of their country. What do we see? What are facts? The United States refuse to pay for all personal property destroyed by the enemy—refuse to pay interest on all just claims—claimants are put off year after year. The delay of justice is lamentable,—the time lost and the expenses incurred in attending to claims at Washington in many cases, renders the successful applicant no gainer. In many cases it would have been far better and more to his interest to have abandoned his claim. But how is it with the rejected claimant, after all his loss of time, anxiety, absence from his family, neglect of his business, expenses incurred, often more than he can bear—he goes home with a sorrowful heart and embittered feelings. Are not these melancholy facts—who would ever have dreamed of such a result before and during the war. We believe there are many cases of claims paid by Congress, which will fully establish our claims. We will notice some of the objections as rigidly adhered to by Mr. Hagner,—one rule as laid down by him and Mr. Wright is, that “the occupancy must be continued up to the time of its destruction,”—now as far as our information goes on this point, we know of but one solitary instance that would apply to this rule—and that is the case of the melancholy event at the river Raisin.

How was it in the case of Calvert county court house, which was destroyed by the enemy and paid for by Congress. It was evacuated a week or ten days, if we remember, before it was destroyed. See Mr. Talliaferro's report in this case.

How was it in the case of Frazier's house in the village St. Leonard's, paid for by Congress, destroyed for being used as a hospital by Commodore Barney's men—all the sick had been removed from this house several days, and the Flotilla had gone up the river several days before this house was burnt by the enemy, as proved by the following certificate.

Calvert County, May 13th, 1842.

We, the undersigned, resided near the village of St. Leonard's, in Calvert County, Maryland, during the late war, and are perfectly acquainted with all the occurrences that took place there during that war—do hereby certify, that the house owned by Frazier, which was used and occupied as a hospital for the sick belonging to the United States Flotilla, was not burnt by the enemy until after the Flotilla had gone up the river, and for several days after the sick had been removed from the house of said Frazier.

Signed,	SAMUEL TURNER,	GEORGE BOURNE,
	JOS. GRIFFITHS,	JAMES J. BOURNE,
	BENJ. PARRAN,	THOS. J. HELLEN,
	WILLIAM WOOD,	WILLIAM STALLINGS.
	REZIN YOUNGER,	

Mr. Augst. H. Sollers now in Congress, can testify as to the respectability of the signers of the above certificate.

How was it in the case of Caroline Fenwick, at Cole's Creek, where the house was occupied by the militia, and the house evacuated some time before it was destroyed by the enemy.

Now the warehouse at Tracey's Landing was used and occupied by Commodore Barney as a depot for military stores of the United States; Commodore Barney publicly declaring when he took possession of it that it was in the service of the United States, and would be in the service of the United States *as long as any of the stores remained in the said house*. It is true that nearly all the stores had been removed from said house except some cannon balls, grape shot, and double headed shot, which still remained there and were found there by the enemy, when they took possession of the said warehouse. The United States never paid one cent for the use of this house; moreover the said house was also used and occupied by the orders of Capt. Franklin, as barracks for the militia, and was not evacuated by Capt. Franklin and his men, called out by order of the Governor of Maryland, until the near approach of the British, both by land and water, perhaps not more than 20 or 30 minutes before the enemy took possession of it. See deposition of P. H. O'Reilly and William Ernis filed with the papers. Now here is a double claim for the payment of this property, one for being in possession of the U. S. and the other for its militia occupancy by orders of the Governor of Maryland—it would be a very hard case indeed, not to pay for it.

Where will you draw the line of distinction about the occupancy of houses taken for the service of the United States. Must the American troops stay, to be butchered as at the river Raisin. Must the American occupancy continue until the enemy march in at one door, and you go out at the other, at the same instant? Will you take the evacuation of Calvert county court house as the example? or will you take Frazier's house at St. Leonard's? or would you take Caroline Fenwick's house as the example?

But it is presumable that the enemy would in all cases consider that all places as selected by the American troops, would be eligible military positions, and it would be to their interest (the enemy) to destroy all houses so occupied, to prevent another occupation for their annoyance—and the time elapsed after voluntary or compulsory evacuation, would be immaterial, whether one hour, one day or one year—the house is destroyed in consequence of such military occupation—and as a matter of strict and impartial justice it ought to be paid for. We plain country farmers don't understand about pleading the statute of limitations in such cases. The United States don't permit any of her citizen creditors to plead limitations, and surely she will not do it.

We next in order come to the claim of J. J. Pattison, for his house destroyed by the enemy in consequence of its being occupied by the militia, who took possession of it in consequence of the orders of Col. Taney, who was in the militia service, called out by Governor Winder. This is an important case, and we must

look into it. What do we first find? We see Col. Taney acting under the general orders of the Governor of Maryland, dated March 17th, 1813—which are as follows :

GENERAL ORDERS.

“The officers of the Militia generally, but more particularly those of the Volunteer Infantry and Cavalry, will attentively inspect the arms of their respective corps, and see that they are in the best possible order for service.

The officers of the militia in general, near the waters of the Chesapeake and its tributary rivers, and the sea board, will be on the alert to discover and repel any depredations which may be attempted by the enemy. By order,

JOHN GASSAWAY, Adjt. General.”

See copies of letters in the appendix from Governor of Maryland to Col. Taney, Major Briscoe, and Gen. West, on this subject. These letters are very important evidence in our claim.

And under these general orders the militia officers assembled, when they on consultation met to see what was best to be done, and these orders also remove the objections of Mr. Wright, as noticed in his quotation from our memorial in 1841.

We next in order come to the cases of Sewall's, Fenwick's and Sothoron's, places occupied by the militia, called out by the order of the Governor of Maryland. In proof of this, see letters from Gov. Winder to Gen. Philip Stewart and Gen. West. Gen. Philip Stewart commanded in that district of country when Major Sothoron's house was burnt, which has been paid for by Congress.

Col. Fenwick commanded the militia who used the houses of Mr. Sewall and Caroline Fenwick, as barracks, in proof of which, read the following statements from Col. Combs and Wm. Floyd; these papers, under oath, are now presented to be filed with original papers in our claim.

“I, the undersigned, a commissioned officer of the grade of Capt. in the 12th regiment of Maryland Militia during the late war with the British, being called on to state by what authority the said 12th regiment of Maryland militia were ordered out to protect the country against the invasion of the enemy during the said late war, do hereby certify, that I have seen and read several times a letter from his Excellency, the Governor of Maryland, to Col. Athanasius Fenwick of the 12th regiment of Maryland militia, directing him to order out and use the militia on all occasions that he might think necessary and proper in defence of the country, in consequence of which orders by his Excellency Governor of Maryland, I was frequently ordered on duty by the said Col. Athanasius Fenwick, and that I frequently with the men under my command made use of the Dwelling and other houses of the late Nicholas Sewall as barracks, in consequence of which property being made use of as barracks by the Maryland militia, it was destroyed by the enemy during the late war.

C. COMBS.

State of Maryland, St. Mary's County, to wit :

This 17th day of May, in the year of our Lord eighteen hundred and forty-two, before me, the subscriber, a justice of the peace, in and for said county, personally appears Cornelius Combs, and made oath on the holy evangely of Almighty God, that the above facts set forth in the within deposition are just and true.

Sworn before

WM. S. CRANE.

“I, the undersigned, a commissioned officer of the grade of Captain in the 12th regiment of Maryland militia during the late war with the British, being called on to state by what authority the said 12th regiment of Maryland militia was ordered out to protect the country against the incursions of the enemy during the said late war, do hereby certify, that Col. Athanasius Fenwick of the 12th regiment of Maryland Militia, read a letter to the officers of the 12th regiment of Maryland militia, directing him, the said Col. Fenwick to order out the militia on such occasions as he might think necessary for the protection and safety of the country; in consequence of which order by his Excellency the Governor of Maryland, I was on duty from the commencement to the end of the late war, by order of the Col. of the regiment. I do also certify, that the dwelling house and other houses of Caroline Fenwick, on Cole's creek, on the Patuxent river, St. Mary's county, were used as barracks by the troops of the 12th regiment, and by no other soldiery, and in consequence of which said use, they were burnt by the British, during the late war.

Signed,

WM. FLOYD.

State of Maryland, St. Mary's county, to wit :

On this 18th day of May, in the year of our Lord eighteen hundred and forty-two, before me, the subscriber, a justice of the peace of the said State in and for said county, personally appears the above named, William Floyd, and signed the statement made of the above mentioned facts in my presence, and also at the same time, he, the above named William Floyd, made oath on the Holy Evangely of Almighty God, that the said statement of facts is true.

Signed,

LOUIS STONE.

It is clearly and satisfactorily proved from these letters of the Governor of Maryland to Col. Taney, to Gen. West, to Major Briscoe, all militia officers, that Col. Taney had the command of the militia at St. Leonard's creek,—he was acting under general orders, dated 17th March, 1813. From the papers in this case, Col. Taney ordered the militia to take possession of Pattison's house, which was destroyed in consequence of that occupation. It is also evident from these letters that additional militia force was sent by the Governor of Maryland, to aid Col. Taney, to protect the U. S. Flotilla. It is equally evident the militia were acting for the general defence—for the defence of the U. S.—for the defence of the State of Maryland, one and indivisible defence for the rights of its soil—for the rights of

the soil of the United States—for the property of its citizens—for all property, real and personal, of which the United States Flotilla was an integral part. The militia in this case, as in all other cases during the late war, *were fighting to sustain the war declared by Congress*—to sustain the honour, character and dignity of the United States—called out to defend the country—the constitution, the constituted authorities of the country, its rights and institutions—the immutable and indivisible rights of the people of the whole United States, and all the States separately and collectively. These are plain farmers' views.

How can it be called State defence,—Maryland had declared no war against England. It was the war of the General Government—the war of the United States—the war of the whole nation,—and the militia acting any where in the United States, were as much the troops of the United States as the regular army. Wherever that militia is acting at all, it is acting for the general defence, whether to protect Calvert county in Maryland, or Washington county, Ohio—whether that militia is to protect Charleston or Boston—New York or Norfolk, or the United States Flotilla, it is precisely the same thing—and inasmuch as the Congress of the United States had declared the war, she was the more bound to protect and preserve every part and portion of the country, the rights of all its citizens, all their property, real and personal. The United States refunding to the States the expenses of the war, make the militia the troops of the United States.

We consider our claim as commencing a short time after the war of 1812—15. We were personally acquainted with Pattison, and when his house was burnt we were eye witnesses of that transaction. We stated before that we kept in view the issue of Pattison's claim which was sent to Congress the next year after the war, (1816) and as soon as his case was finally decided we submitted our claims—we relied on their justice—the witnesses are all men of fair character—Patrick H. O'Reiley, Samuel Gott, John H. D. Lane and William O'Hara have been justices of the peace—Dr. Walter Wyvill and W. J. W. Compton, members of our State Legislature—John Collinson and William Ernis, mechanics of fair character.

We can't see how our defence can be called state defence when our militia were acting for the general good and under general orders, issued as early as 17th March, 1813; and after our militia were dislodged by the superior force of the enemy at Town Point and Tracy's Landing, and in their (the enemy's) actual possession, Gen. Madison with a corps of United States cavalry was on their march to the very spot where the property in question was burnt, and in less than 24 hours after its conflagration a pickett guard of U. S. troops were posted on the very spot, thereby proving that the occupancy by orders of the the governor of Maryland was sustained by the Secretary of War. This fact alone ought to be sufficient to substantiate the occupancy by the United States. The troops of the U. S. in conjunction with our militia had a battle* with the men of the same ship in about 36 hours after the conflagration, all in full view and only a short distance off, in which battle Capt. Bird, U. S. officer of Dragoons was wounded—severely U. S. horses killed and some prisoners taken on each side—all this goes to prove it was United States defence according to Mr. Wright's views.

*Battle at Kirby's Wind Mill.

But it is said if you pay these claims in case of another war every man who owns a house may make it a castle, and provoke the enemy to destroy his buildings, under the belief that Congress is to make remuneration. All history on the claims of Congress prove the contrary; and as far as the history of claims on Congress go, the Government, in the humble opinion of us poor farmers, have pursued a very impolitic course—let us take Maryland as an example, located nearly equi-distant from North to South on the Atlantic with the Chesapeake bay in the centre, navigable 200 miles for the whole British navy; add to this her numerous deep navigable rivers and creeks—here is presented a frontier of more than one 1000 miles, and if you count on each side of the bays, deep rivers and creeks, we have a frontier of nearly 2000 miles, accessible at this moment to the navy of England in the very heart of the United States. Counting these waters on each side of the bay and rivers as far as the enemy penetrated during the late war, there may be some 40 or 50,000 inhabitants under their range. Taking Mr Hagner's construction of the law, a very serious and solemn question arises in the breast of every inhabitant on this extended frontier, not only in Maryland, but the whole United States frontier, and above all places, the Patuxent river, in case of another war with England what ought we to do? how ought we to act?

As love of life and property and the support of our wives and children is near and dear, comes in contact with our duty to our country and our constitution. We fought for our country the last war—we have paid our taxes—we have done all we could—we have done our duty to our government, but how have we been treated? We have in vain asked the Congress of our country to do us justice. We can't see our wives and children perish. We can't steal, we can't beg; must we go to Admiral Cockburn and make terms, and must we say, spare our property from conflagration, our wives and children from insult, and on this consideration take what we can spare from our farms!—Humiliating alternatives—Great God! must we be traitors to our country!—who can tear up by the roots the sacred ties that bind the citizen to his country?

Would it not have been better to have paid off all their just private claims before the great surplus in the treasury was given to the states—it is better to be “just before we are generous.”

It has been said the low state of the Treasury is a powerful objection to paying private claims—this is a sorry excuse. This state of the treasury is and can be remedied—it is only temporal—as to talk to us Farmers about the poverty of the Government, its out of the question. The finest country in the world, and from its great extent feeling the influence of four zones—possessing every thing essential to the wants and comforts of the whole human family—our earth filled with mines—our forests covered with the finest timber—our fisheries unequalled—we are rich in commerce, in the arts, in science, in manufacturies, the raw material abundant, with a bold, daring, industrious, enterprising people, and above all a virtuous and confident yeomanry.

Your claimants are plain country Farmers—free and independent voters, who know no obedience but to God, just laws, and a proper respect and esteem for the constituted authorities of the nation, with great diffidence and reluctance have presented this communication on the subject of this claim.

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APPENDIX.

GENERAL ORDERS FROM GOVERNOR WINDER.

Extract from General orders dated March 17th, 1813.

"The officers of the militia generally, but more particularly, those of the Volunteer Infantry and Cavalry will attentively inspect the arms of their respective corps and see that they are in the *best possible order* for service. The officers of the *militia in general*, near the waters of the *Chesapeake* and its *tributary rivers*, and on the seaboard, will be on the *alert to discover and repel* any depredations, which may be attempted by the enemy.

By order of JOHN GASSAWAY, Adj. General."

Here is a general order requiring every military man in Maryland to do his duty, from the Executive and commander in chief of all the military forces of Maryland.

It is stated in opposition to our claims that in the case of J. J. Pattison's house burnt by the British and paid for by Congress, that Col. Taney was in the service of the United States, not in the militia service of the State of Maryland. The following letters from the Governor of Maryland to Col. Taney, proves that he was in service of the State of Maryland. The following are copies of letters from Governor Winder to Col. Taney, Gen. Biscoe, Gen. West and Gen. Philip Stewart.

Copy of a letter from Gov. Winder to Col. Taney.

ANNAPOLIS, June 8th, 1814.

SIR:—This afternoon I received yours of the 5th inst. and I have just now received yours of this day informing me of the situation of Com. Barney; you will make every exertion to give him *all the aid* in your power, or the Flotilla. At such a time, and on such an occasion, it is to be presumed no man of reflection would hesitate in contributing to the *utmost of his power* to preserve these vessels from the annoyance of the enemy. It is not now to be enquired into, whether they have taken the best possible position, *but how they can be best defended*. I will send down the articles you have required, and in addition will send you some ammunition and flints; I have written to Capt. Simmons and Capt. Franklin* to *afford you all the assistance in their power* should you want it. I have likewise written to Gen. West, to give you such aid as may be in his power, should you call for any, which letter I have herewith forwarded to you, and should you find it necessary, you will immediately forward it to him. I will expect to hear from you as often as you may think necessary, and *any aid in my power I will most willingly afford*, but I presume the general government will have taken the necessary steps for the protection of the flotilla—you will call such numbers of the cavalry into service as shall be necessary for the purpose of carrying despatches and orders.

LEV. WINDER.

Col. Taney.

*One of these officers, Capt. Simmons, had the command at Town Point, and the other, Capt. Franklin commanded at Tracy's Landing.

Copy of a letter from Gov. Winder to Gen. West.

ANNAPOLIS, June 8th, 1814, 11 o'clock P. M.

"Sir:—I have just received information that Capt. Barney is blockaded in

St. Leonard's creek. I have authorized Col. Taney, should he find it necessary, to apply to you for aid, in which case, I would recommend volunteers if they could be procured, if not we must resort to the mode pointed out by law, but that which will be most expeditious in affording the assistance required, would be the most desirable.

LEV. WINDER.

Gen. West."

Copy of a letter from Gov. Winder to Col. Taney.

ANNAPOLIS, June 10th, 1814.

"SIR:—I have received yours of yesterday by Mr. Weems; before this I presume you will have received mine by Lt. Freeland, and the articles forwarded to you for the use of the militia. I now send you by Mr. Weems, to be landed at some convenient place in Calvert County, two six pound cannon with ammunition fixed, and all necessary apparatus. There will go with them a detachment of the artillery company from this place, under the command of Lt. Hughes. I have also sent you 3000 musket cartridges by this conveyance, 10 rifles, with every requisite for their use.—I have likewise sent you twenty five barrels of flour, eleven barrels of beef, two barrels of pork, three do. of whiskey, 99½ gallons. Mr. Weems takes charge of these articles, and goes down in the boat with them, and proposes landing at Plumb Point, but it will be necessary to have them removed immediately to some place of safety in the interior of the country.

These articles there must be particular attention paid to the expenditure thereof—they will be distributed thro' the proper officers, on regular provision rations, signed by the commanding officer of each company, countersigned by the officer commanding the whole detachment—this will be the justification of the quarter master for delivering.

Mr. Weems will receipt for these articles at the landing. You will order Mr. Weems to deliver them to the quarter master, whose receipt on that order will exonerate Mr. Weems. The muster and pay rolls being made, will be a check on the provision returns. It will be expected there will be no more officers retained than sufficient to command the men—no more cavalry kept in service than the nature of the service demands. I presume the General Government before this will have taken measures for aiding Barney, and whenever they shall have done so, you will either discharge or relieve your men as exigencies may require.

I am yours,

LEV. WINDER.

Col. Taney."

Copy of a letter from Gov. Winder to Lt. Hughes.

"ANNAPOLIS, June 10th, 1814.

Lt. Hughes—You will take charge of two six pound cannons with the ammunition belonging thereto, now on board of Capt. Daly's boat, to be transported to Calvert County—on your landing, Mr. Weems will provide horses for the purpose of conveying them to St. Leonard's creek, when having arrived you will report yourself to Col. Taney, the officer commanding the militia, convened there for the purpose of defending the Flotilla under the command of Barney.

When you have completed this service you will deliver to Col. Taney's order the two pieces with every thing belonging to them, and such camp equipage as you may take with you, taking a receipt therefor on this order.

LEV. WINDER."

Copy of a letter from Gov. Winder to Major Biscoe.

"ANNAPOLIS, June 11th, 1814.

Sir:—I received yours of the 9th by Lt. Hughes, and have forwarded to you the following articles—

150 Muskets,
150 Cartridge boxes,
300 Flints,
3750 Cartridges,
25 Screw wipers,
25 Bullet drawers,
15 Screw drivers,

For which you will please forward a receipt by return of the wagon. I had written several days ago to Gen. West directing him to furnish any aid which Col. Taney might require for the defence of the Flotilla of the United States, blockaded by the British in St. Leonard's creek, which letter I understand from Lt. Hodges, had been received at Marlbro', before he left there, and although Gen. West is not there, I presume the contents of that letter will be communicated, and the assistance required by Col. Taney will be promptly furnished. I would have forwarded a piece of artillery, but I understand you have not artillerymen; and I have none to supply you with. Your detachment will supply themselves with two days provisions, for which they will be allowed on the pay roll—you will be particularly careful that there shall be correct provision returns, upon which only provisions ought to issue—that there be only a due proportion of officers to command the men, and prevent as much as possible, an unnecessary expenditure of provisions and ammunition. I am, sir, with respect, yours,

LEV. WINDER.

*Major Biscoe."**Copy of a letter from Gov. Winder to Major Biscoe.*

"ANNAPOLIS, June 12th, 1814.

SIR:—Yours of this day has been delivered to me. Arms and ammunition left this place this morning for Nottingham. I presume they will arrive by 12 o'clock tomorrow if not sooner. I am surprised at the import of Gen. West's order. My directions to him were that whatever aid should be required by Col. Taney, should be immediately forwarded to St. Leonard's Creek. You will immediately detach a company with the arms you already have, to that place. Ammunition may be obtained there on the arrival of the arms which left this place this morning. You will detach such number of men as you may, from the information you may receive, think proper. I stated to you this morning I had forwarded a letter to Col. Taney for Gen. West, requesting him to forward it immediately; stating to the General the aid he required: this letter I understood had reached Marlbro', and I presume he has mentioned what number of men he wishes. I regret extremely the necessity of calling the militia from their homes at this time, but I should hope they would feel the necessity of it and obey the call with alacrity.

I am sir, with respect yours,

LEV. WINDER.

Major Biscoe.

Copy of a letter from Gov. Winder to Col. Taney.

"ANNAPOLIS, JUNE 15th, 1814.

SIR:—Yours of yesterday was handed me this morning. As to the number of militia to be kept in service, you will be governed by circumstances; whatever number can be usefully employed in protecting the flotilla, ought to be retained, but should such a force arrive under the orders of the general government as should make the detention of the militia unnecessary, it certainly would be very desirable to discharge them as soon as possible. Yesterday passed by this place a schooner and two barges with men from Baltimore, intended to land on the bay shore and march across to your assistance.—When they arrive, and the aid expected from Washington, you will be better able to judge of the propriety of dismissing or increasing your force.

I presume before you receive this, some part of *Major Biscoe's battalion* will have arrived, as I had directed him to have a company marched immediately to your assistance, and on receiving some arms and ammunition, which left this place on Sunday, to *forward another company if this should have been required by you*; should these men not be wanting, you will immediately inform Major Biscoe, that they may be discharged, if they cannot be useful—let their march be accelerated—in fine let us give our aid in saving the Flotilla—don't let us harrass the militia unnecessarily,

LEV. WINDER.

Col. Taney."

Copy of a letter from Gov. Winder to Gen. Stewart.

"ANNAPOLIS, JUNE 17th, 1814:

SIR:—I have just received yours of the 15th by Mr. Middleton, giving information of the landing of the enemy at Col. Plater's the day before. I have forwarded as many of the articles you are in want of, as I have been able to procure a conveyance for, viz: Musket cartridges, pistols, rifle balls and powder—fixed amunition for 6lb. cannons, some canteens and camp kettles, screw wipers, bullet drawers and flints. With respect to the arms and tents at Washington, I had written to you by Mr. Gough, and hope you will immediately on your arrival at that place, have taken order for their transportation.

I would immediately send you some pieces of artillery but have not the means of conveyance. I presume you will have both the pieces of cannon in St. Mary's Creek brought to the Patuxent.

I have this moment received by express information that the enemy were last night at 12 o'clock, within a mile and a half of Nottingham. The militia of Prince George's County were embodying; whether they will be in time, or in sufficient force to repel them I am yet uninformed. I am sending them further supplies of arms, although they had a tolerable good supply before. I fear the enemy will do us much damage by their sudden intrusion, which it appears to be difficult to guard against at all points.

Notwithstanding our defenceless and exposed situation, I am told a body of United States troops on this day passed through Baltimore on their way to the Northward—surely under present circumstances we might claim from the General Government such aid as they have in their power to afford us—of the correctness of this information you will have an opportunity of ascertaining from the secretary at war, and pressing the propriety of saving our citizens and property from impending ruin.

I have take every means within my limited power to afford you all the aid I can.

I am, Sir,

LEV. WINDER.

Gen. Philip Stewart."

Copy of a letter from Gov. Winder to Gen. Philip Stewart.

"ANNAPOLIS, June 17th, 1814.

SIR:—I have forwarded for the use of your brigade the following articles, a receipt for which will be returned by the carrier.

4000 Musket cartridges,
 500 Pistol do.
 500 Rifle balls,
 20 Bullet drawers,
 20 Screw wipers,
 10 Screw drivers,
 12 6 round, } fixed,
 12 do. Cannister, }
 10 lb. fine powder for rifles,
 2 papers common powder for priming cannon,
 50 Carbines.

I have experienced difficulties in obtaining a conveyance even for these articles, more particularly at this time, being called on suddenly to send supplies to Nottingham.

Yours,

LEV. WINDER.

Brig. Gen. Stewart."

Copy of a letter from Gov. Winder to Gen. Philip Stewart.

"ANNAPOLIS, June 22d, 1814.

SIR:—Yours of the 19th and 20th inst. have both come to hand last night. I have forwarded according to your request (of which I had informed you) such ammunition as you had required—on the same day I had forwarded some arms and ammunition to Nottingham for the use of Gen. West's brigade, of which I had advised Major Beanes, requiring him to forward a wagon for the purpose of hastening their arrival at Nottingham; but by some mistake the ammunition intended for you was taken and carried to Marlboro' with what was intended for Gen. West, and the carrier informs of this circumstance. I immediately despatched a messenger directing it should be forwarded to its original destination, and on Monday I was informed it was sent on,

I made every exertion to procure horses to send you at the same time, two field pieces, but without success. In this part of the country where every man is near a landing, there are few carriages kept for the purpose of transportation except what are immediately occupied about farms; but I mean yet making further exertions.

Inclosed I send an order for one thousand dollars to be expended under your direction for your brigade. You will no doubt take the proper security for its proper expenditure, and impress on your agent the necessity of having all the necessary vouchers in an adjustment of his account.

I am, Sir,

LEV. WINDER.

Gen. Philip Stewart.

Copy of a letter from Gov. Winder to Gen. West.

"ANNAPOLIS, July 21st, 1814.

SIR :—I have received information from Gen. Stewart that the enemy were at Leonard Town in St. Mary's, and requested some aid might be sent him.

I have ordered 1000 men from Ringold's and Barrack's brigades, but I fear it will be some time before they will be in readiness to afford us the assistance we need. I have informed Gen. Stewart that I should request you to furnish any aid within your power, but the movements of the enemy are so uncertain that it is inexpedient to give any positive orders; *but it is to be expected that every officer of every grade will afford all the relief in his power, conformable with a due regard to the public good, to repel the enemy wherever he may be found.*

I am sir, yours, with respect,
Brig. Gen. West."

LEV. WINDER.

Copy of a letter from Gov. Winder to Gen. Philip Stewart.

"ANNAPOLIS, June 21st, 1814.

DEAR SIR :—I have received yours of the 13th by express, the order from Ringold's and Barrack's brigades of 1000 men, to be detached, organized and move as expeditiously as possible to aid in the defence of our shores generally. I fear they will not be prepared to render you service as soon as you could wish. I have written to Gen. West to afford you whatever aid is within his power. I expect a small detachment of cavalry in to-day; should they arrive I will forward them to you, but indeed I have been so disappointed that I do not know what to calculate on with certainty.

If my power were equal to my wishes, you should be very soon supplied with a force sufficient to compel the enemy to keep himself at least under the cover of his guns; but I very much fear before we can give you the desired assistance he will have destroyed your people very much. I shall be ready at all times to afford you all the aid I can consistently with a due regard to the means that may be in my power.

I am sir, with great respect, yours,

LEV. WINDER.

Brig. Gen. Stewart."

"WAR DEPARTMENT, July 4th, 1814.

SIR :—The late pacification in Europe offers to the enemy a large disposable force, both naval and military, and with it the means of giving to the war here a new and increased activity and extent.

Without knowing with certainty, that such will be its application, and still less that any particular point or points will become objects of attack—the president has deemed it advisable as a measure of precaution to strengthen ourselves, and as principal means of doing this will be found in the militia, to invite the executive of certain states to organize and hold in readiness for immediate service a corps of ninety three thousand five hundred men under the laws of 28th February 1795, and 18th April 1814.

The enclosed detail will show your excellency, what under this regulation will be the quota of Maryland. As far as volunteer uniform companies can be formed they will be preferred.

The expediency of regarding as well designation of that of the militia as well as the places of rendezvous, the points of importance or exposure of

which will be most likely to attract the views of the enemy, need but be suggested. A report of the organization of your quota when completed and of its place or places of rendezvous will be acceptable.

I have the honour to be, with great respect,

Your Excellency's most obedient and very humble serv't,

JOHN ARMSTRONG.

To his Excellency the Gov. of the State of Maryland.

Detail of militia required as above.

MARYLAND.

600 Artillery, 5400 Infantry—6000—6 Regiments—1 Maj. General, 3 Brig. Generals, 1 Dep. Quarter master Gen. 1 Assitant Quarter master Gen.

I certify, that the foregoing are true copies of extracts and letters on record in the department of the Adj. Gen. of the State of Maryland.

JOHN N. WATKINS,

Adj. Gen. of Maryland, May 17th, 1842.

R C24. 2.



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